

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:14-CV-00085-RLV-DCK**

JAMES LEE PARLIER,

Plaintiff,

v.

**MARILYN MEEKER BERNSTEIN;
KANSAS CITY PREMIER
APARTMENTS, INC.;
DOES 1 – 10; JASON STAHL;
MARIA BOGDANOVA PEIFER;
BRENDA CASTEEN; AND TIFFANY
LEWIS,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on Defendant Brenda Casteen’s Motion for Contempt, Sanctions and Attorney Fees made pursuant to Rule 37 of the Federal Rules of Civil Procedure (the “Motion”). [Doc. No. 66]. The Motion seeks an order from this Court: (1) dismissing Plaintiff’s Complaint *with prejudice*; (2) striking Plaintiff’s Answer to Defendant Casteen’s Counterclaim; (3) entering default judgment against Plaintiff and in favor of Defendant Casteen on her Counterclaim; (4) scheduling a hearing to determine damages to be awarded Defendant Casteen on her Counterclaim; (5) awarding Defendant Casteen her reasonable expenses and attorney’s fees incurred with respect to the Motion and her previous motion to compel; and (6) further relief as this Court determines in accordance with applicable law. [Doc. No. 66] at pp. 3-4.

THIS ORDER SERVES TO WARN Plaintiff that his action may be dismissed and Defendant Casteen may be awarded the relief sought in her Motion and Counterclaim if Plaintiff

does not appropriately respond to and address the pending Motion. See Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975); Bullard v. Forde, 2011 U.S. Dist. LEXIS 75157, at *1-2 (D.S.C. 2011).

Plaintiff is advised that he is being afforded an opportunity to respond to Defendant's Motion by filing a written response with this Court. This writing **MUST BE FILED WITHIN FOURTEEN (14) DAYS** of the filing of this Order. A copy of any written response must also be served on counsel for Defendant Casteen. **THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO DEFENDANT'S MOTION WITHIN THE ALOTTED TIME. FURTHER, JUDGMENT MAY BE ENTERED AGAINST YOU ON DEFENDANT'S COUNTERCLAIM AND DAMAGES MAY BE AWARDED TO THE EXTENT SUCH ARE PROVEN TO ARISE THEREFROM. MOREOVER, SANCTIONS, IN THE FORM OF COSTS AND ATTORNEY'S FEES, MAY BE ASSESSED AGAINST YOU AND IN FAVOR OF DEFENDANT.**

Plaintiff is advised to heed the following warning. Even *pro se* parties proceeding in federal court have duties pursuant to the Federal Rules of Civil Procedure, particularly Rule 11. When Plaintiff signs and presents to the Court a pleading or other filing, Plaintiff is certifying that "to the best of [his] knowledge, information, and belief, formed after an inquiry reasonable under the circumstances" that he is not making filings "for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation" and that "the factual contentions have evidentiary support, or, if specifically so identified, will likely have evidentiary support after


a reasonable opportunity for further investigation or discovery.” Fed. R. Civ. P. 11(b). Violating these obligations can result in sanctions, including monetary sanctions. Fed. R. Civ. P. 11(c).

IT IS, THEREFORE, ORDERED THAT

- (1) Plaintiff must file a written response to Defendant Casteen’s Motion (Doc. No. 66) within **FOURTEEN (14) DAYS** of the filing of this Order; and
- (2) The Clerk is directed to mail a copy of this Order and a copy of Defendant Casteen’s Motion (including attachments and exhibits) to the last known address of the Plaintiff that is on file in the Court’s records.

SO ORDERED.

Signed: October 26, 2015


Richard L. Voorhees
United States District Judge

